

REMARKS

Claim 1 has been amended. Claim 20 has been canceled, without prejudice. Claims 2-15, 17-19, 21-31 and 36-37 are in this application.

Claims 2-10, 15, 17-26, 31 and 36-37 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tokyo Shibaura Electric Co. (9-179549) and Cartmell (U.S. Patent No. 6,036,068). In addition, claims 11-14 and 27-30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tokyo Shibaura Electric Co., Cartmell, and Mills (U.S. Patent No. 6,353,870).

Amended independent claim 1 now recites, in part, the following:

a strap attaching unit configured to be arranged at the one end side on a plane extending in the longitudinal direction of the housing casing, wherein the strap attaching unit is at a predetermined position spaced from the manipulating unit in a direction of the other end side;

a jack configured to be arranged at the one end side on the plane extending in the longitudinal direction of the housing casing, said jack having an opening arranged to receive a plug inserted from a direction of the one end side;

wherein, when the power supply is within the power supply unit, a center of gravity of the device is substantially at the other end side in the longitudinal direction of the housing case and the predetermined position of the strap attaching unit is spaced from the center of gravity of the device in a direction of the one side end,

wherein, when the power supply is within the power supply unit and a strap dangled from a neck of a user is attached to the strap attaching unit from a direction of the one side so the device is dangled vertically from the neck of the user, the manipulating unit and the opening of the jack orient toward a vertical up direction

(Emphasis added). Accordingly, the device of claim 36 includes a manipulating unit, a jack with an opening and a strap

attaching unit arranged at one end side of a housing case, and a power supply unit to contain a power supply arranged at the other end side of the housing case. In addition, claim 36 requires that, when the power supply is within the power supply unit, a center of gravity of the device is substantially at the other end side in the longitudinal direction of the housing case, and the strap attaching unit is at a predetermined position on the one end side spaced from the manipulating unit in a direction of the other side and spaced from the center of gravity in a direction of the one side end. Further, claim 36 recites that, when (i) the power supply is within the power supply unit, which provides for the above-recited positioning of the center gravity of the device in relation to the strap attaching unit, and (ii) a strap dangled from a neck of a user is attached to the strap attaching unit from a direction of the one side so the device is vertically dangled from the neck of the user, the manipulating unit and the opening of the jack orient toward a vertical up direction. (See specification, for example, at pg. 16, ln. 11-20, pg. 48, ln. 7-15 and pg. 49, ln. 15-23 and FIGs. 4B, 4D and 6). Advantageously, the positioning of the center gravity in relation to the strap attaching unit, when the power supply is within the device and the device is vertically dangled from the neck of a user by a strap attached to the strap attaching unit from the direction of the one side, provides that the manipulating unit and the opening of the jack orient toward a vertical up direction, which is in the direction of the user's face (see FIG. 6), such that the user can easily manipulate the manipulating unit, such as a play/stop button 19, and also insert or remove a plug into or from the opening of the jack. (See specification, for example, at pg. 48, ln. 17-21, pg. 49, ln. 5-8 and 20-25).

The Examiner admitted that Tokyo Shibaura Electric does not disclose a strap attaching unit positioned at the

predetermined position on the one side of the device in relation to a center of gravity of the device when a power supply is within the power supply unit, as required by claim 36. In addition, the applied portions of Tokyo Shibaura Electric do not appear to disclose that the manipulating unit and opening of the jack orient toward a vertical up direction, when the power supply is within the power supply unit and the device is dangled vertically from a user's neck by a strap attached to the strap attaching unit, as required by claim 36.

Cartmell does not cure the deficiencies of Tokyo Shibaura Electric with respect to the requirements of claim 36, as described above. Nowhere do the applied portions of Cartmell disclose the claimed critical positioning of the center of gravity in relation to the strap attaching unit, as required by claim 36, which provide for the orientation of the manipulating unit and the jack opening when the device is dangled from the strap attaching unit. In addition, Cartmell does not appear to identify a reason to provide the positioning required by claim 36, so that the device has a specific functionality, namely, when the device containing the power supply is vertically dangled from a strap attached to the strap attaching unit the manipulating unit and the opening of the jack orient toward a vertical up direction.

Accordingly, it is respectfully submitted that amended independent claim 36 is distinguishable from the combination of Tokyo Shibaura Electric and Cartmell applied by the Examiner.

Claims 2-10, 15, 17-19, 21-26, 31 and 37 depend from independent claim 36. It is, therefore, respectfully submitted that claims 2-10, 15, 17-26, 31 and 37 are distinguishable from the combination of Tokyo Shibaura Electric and Cartmell applied by the Examiner for at least the reasons previously described with respect to claim 36, and because of the additional restrictions they require.

Further, claims 11-14 and 27-30 depend from independent claim 36. Consequently, claims 11-14 and 27-30 are distinguishable from the combination of Tokyo Shibaura Electric and Cartmell applied by the Examiner for at least the reasons previously described with respect to claim 36. In addition, the Examiner does not appear to rely on Mills to overcome the above-described deficiencies of Tokyo Shibaura Electric and Cartmell. Accordingly, it is also respectfully submitted that dependent claims 11-14 and 27-30 are distinguishable from the combination of Tokyo Shibaura Electric, Cartmell and Mills applied by the Examiner for at least the reasons previously described with respect to claim 36, and because of the additional restrictions they require.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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